

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:18-cv-519-MOC  
3:16-cr-203-MOC-DCK-1**

<b>BYRON LEE TATE,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>UNITED STATES OF AMERICA,</b>	)	<b><u>ORDER</u></b>
	)	
<b>Respondent.</b>	)	
<hr/>	)	

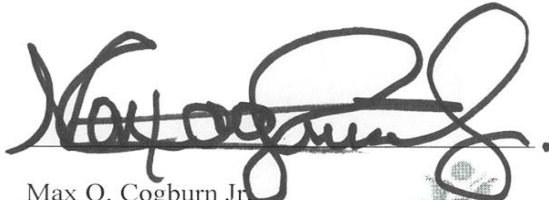
**THIS MATTER** is before the Court on Petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, (Doc. 1).

The Court has conducted an initial screening of the petition under the Rules Governing § 2255 Proceedings, Rule 4(b) 28 U.S.C.A. foll. § 2255, and finds that: (1) the petition has **not** been signed under penalty of perjury, Rule 2(b)(5), 28 U.S.C.A. foll. § 2255; (2) the petition appears to be timely filed; and (3) Petitioner has asserted a colorable claim for relief cognizable under § 2255(a). Petitioner shall have **twenty (20) days** to resubmit the § 2255 Motion to Vacate signed under penalty of perjury. If Petitioner fails to do so, the § 2255 Motion to Vacate will be dismissed without further notice. Upon receipt of the signed § 2255 Motion to Vacate, the Court will direct the United States to respond.

**IT IS, THEREFORE, ORDERED** that:

1. Petitioner shall resubmit the § 2255 Motion to Vacate, signed under penalty of perjury, within **twenty (20) days** from entry of this Order. If Petitioner fails to do so, the § 2255 Motion to Vacate will be dismissed without further notice.

Signed: October 9, 2018

  
Max O. Cogburn Jr.  
United States District Judge